

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.7400 of 2023

Arising Out of PS. Case No.-432 Year-2021 Thana- BANKA District- Banka

1. Mahendra Sah Son Of Late Gulabi Sah @ Late Giridhari Sah Resident Of Village - Gunakol, P.S. And District - Banka.
2. Jogendra Sah Son Of Late Gulabi Sah @ Late Giridhari Sah Resident Of Village - Gunakol, P.S. And District - Banka.
3. Gautam Kumar Son Of Jogindra Sah Resident Of Village - Gunakol, P.S. And District - Banka.
4. Sudhir Kumar Son Of Jogindra Sah Resident Of Village - Gunakol, P.S. and District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 147, 149, 341, 323, 325, 307, 379 of the Indian Penal Code.

As per FIR, all the accused persons entered into the house of the informant taking lathi, danda and rod in their respective hand and threatened to kill him. On objection, all of them assaulted the informant and his family members by means of lathi and danda as a result of which they received injury.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case due to land dispute. He submits that there is no specific



overt act against the petitioners. He submits that there is general and omnibus allegation levelled against the petitioners. He submits that there is case and counter case between the parties. He submits that all alleged Sections are bailable except Sections 307 and 379 of the IPC which are not applicable against the petitioners. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail and submits that there is injury report vide para-15 and 16 of the case diary which fully supports the case of the prosecution.

Considering the facts and circumstances of the case, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Banka P.S. Case No. 432 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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(Anjani Kumar Sharan, J)

